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EXAMINER

SAGER, MARK ALAN

ART UNIT

PAPER NUMBER

3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,827	<b>Applicant(s)</b> ROWE, RICHARD E.	
	<b>Examiner</b> M. Sager	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-50 and 61-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-50 and 61-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/29/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/08 has been entered.

***Allowable Subject Matter***

2. The indicated allowability of claims 19-50 and 61-66 is withdrawn in view of reconsideration of claim scope and teachings of the reference(s) to Pease, Wells. Rejections based on the newly cited reference(s) follow.

***Claim Objections***

3. Claim 37 and 47 are objected to because of the following informalities: failure to end claim sentence with period due to use of semicolon. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 19-22, 24, 26-37, 40-44, 49-50, 61, and 63-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Pease (5759102) and under 35 U.S.C. 102(e) as being anticipated by Pease (6135887). Pease '887 is a continuation of Pease '102 and thus evidence cited is with respect to Pease '102 herein due to Pease '887 containing same disclosure as Pease '102. With broadest reasonable interpretation for claimed invention, Pease discloses a download method and apparatus teaching a gaming machine (ref 102, 106) comprising: a first combination of game software components (implicit for game machine, 1:12-31, ref 102, 104), said first combination comprising a plurality of game software components (sic); a master gaming controller designed or configured to present a game on the gaming machine using the first combination of game software components (1:17-24, microprocessor, ref 110); a network interface for communicating with a remote server and receiving game software components from said remote server and including a modem for those instances that WAN is internet (fig 1-2, ref 114, implicit to use modem for communicating through internet to server; as evidence only per MPEP 2131.01, see definition of WAN from wikipedia.com regarding computer networking and see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); processor logic for combining game software components from said first combination with game software components received from said remote server to generate a second combination of game software components wherein said second combination is used to present a game on the gaming machine (1:12-31, 2:13-17, 5:1-16, i.e. programming the gaming terminal itself when taken as a whole as interpreted by an artisan at a time prior to invention includes updating game or gaming components to accommodate new games, regulatory changes, correct bugs or other programming errors or install new features), a

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memory storing a plurality of game software components wherein the memory is selected from the group consisting of an EPROM, a flash memory a ROM, a RAM, a CD, a DVD, a tape drive, a hard drive and a non-volatile memory (1:24-36, 2:13-17, 3:22-34, 3:38-4:3, 5:1-16, figs 1-2, ref 108, 112, 116), wherein at least one of the plurality of game software components stored in said memory is used to generate the second combination game software components (1:12-31, 2:13-17, 3:22-4:3, 5:1-16, figs. 1-2, implicit game program(s) and peripherals make up components to provide game at game machine whereby programming the gaming terminal itself when taken as a whole as interpreted by an artisan at a time prior to invention includes updating game or gaming software/components to accommodate new games, regulatory changes, correct bugs or other programming errors or install new features, sic), wherein the remote server is a gaming terminal data repository (ref 108), wherein the game software components are selected from the group consisting of game system components, game paytables, game bonusing, game progressives, game graphics, game sounds, game jurisdiction information, game networking components (1:12-31, 2:13-17, 3:22-4:3, 5:1-16, figs. 1-2, implicit for gaming machine providing game(s) to play), wherein the network interface is a wireless network interface or a wired network interface (4:12-23, 55-57, 62-67), wherein the network interface is configured to allow connection of the gaming machine to an internet network or an intranet network where WAN is internet or intranet or where LAN is an intranet (2:13-17, 4:12-23, 55-57, 62-67, 5:1-16; implicit since WAN includes internet or intranet; while, LAN includes intranet, sic), wherein the intranet network is selected from the group consisting of a cashless system network, a progressive game network, an accounting network and a bonus game network (1:12-31, 2:13-17, 3:22-4:3, 5:1-16, 6:11-21, figs. 1-2), wherein the game is a video bingo game, a video lottery

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game, a video black jack game, a video slot game, a mechanical slot game, a video poker game, a video keno game, a video pachinko game, a video game of chance and a video card game (1:12-16, 6:63-64), also, in a remote server (fig. 1-2), a method of modifying game play on a plurality of gaming machines (2:13-17, 3:22-4:3, 5:1-16, fig 1-2), the method comprising: determining that a configuration update has been triggered (1:12-31, 2:13-17, 2:30-3:7, 3:22-4:3, 4:12-18, 53-57, 62-67, 5:1-16, 7:41-53, figs 1-2); establishing communications with the gaming machine (step 206); identifying one or more game software components for the configuration update on the gaming machine (2:13-17, 5:1-16); bundling the game software components (2:13-17, 5:1-16 and discussion transmitting or downloading information or data in block fashion that is bundling of the data/information to be downloaded, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); and sending the game software components to the gaming machine wherein said game software components are used to present a game on the gaming machine (1:12-31, 2:13-17, 5:1-16, figs 1-2); further comprising prior to sending the game software components, contacting a local ISP and sending the game software components via the local ISP in those instances that WAN is internet (2:13-17, 4:12-23, 55-57, 62-67, 5:1-16), looking up an IP address of said one or more gaming machines (implicit use of TCP/IP protocol and address of game machine for identification for communication where WAN is internet), encapsulating said game software components in multiple information packets (refer to data blocks and bundling above), encrypting said game software components (5:1-16), generating instructions for configuring the game software components and sending said instructions with said game software components (implicit, program includes remarks as

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instructions in readme file, as evidence only under MPEP 2131.01 see documentation section in Internet Basics: 'How to download files' or, see Marron 5359730, abstract; programs typically include such remarks/instruction for guidance of use or of changes in update/patch notes that is hornbook engineering for programming a change/update as to be implicitly included), receiving game transaction information from the gaming machines and storing said game transaction information (6:7-21, fig 1), storing said game transaction information according to one or more game data categories wherein the game data categories are selected from the group consisting of game version data, game data, gaming terminal data, player data, route data and venue data (implicit, requirement for tracking credit or game play activity), prior to storing said game transaction information, determining access privileges for said game transaction information (implicit as required for credit reporting/tracking that entails setting access rights, as evidence only see Pease 5326104 at 18:4-6, 58-63, 19:32-45, 21:15-22:3, 25:29-33, 28:13-31:43), prior to storing said game transaction information, performing one or more operations on said game transaction information (6:7-21, fig 1, implicit, as per requirement for tracking credit or game activity so as to associate credit with game played and sum new value with prior value as basic accounting), determining a data storage partition from among a plurality of data storage partitions for storing said gaming transaction information wherein the plurality of data storage partitions correspond to a plurality of gaming entities where the plurality of gaming entities is players such as for player tracking for compensation in a loyalty program (6:7-21, fig 1, as evidence only under MPEP 2131.01 regarding partitioning for player tracking data in a loyalty program see either Acres 5655961 or Boushy 5761647), further in a gaming machine (ref 106), a method of updating game software components (fig 1-2), the method comprising: establishing

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communications with a remote server (step 206); receiving one or more game software components from said remote server (1:12-31, 2:13-17, 2:30-3:7, 3:22-4:3, 4:12-18, 53-57, 62-67, 5:1-16, 7:41-53, figs 1-2); unbundling said one or more game software components (2:13-17, 5:1-16 and discussion throughout regarding transmitting data in block fashion that data block is unbundled at receiving gaming machine, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); generating a combination of game software components wherein said combination of game software components comprising a plurality of game software components including the one or more game software components received from said remote server (1:12-31, 2:13-17, 2:30-3:7, 3:22-4:3, 4:12-18, 53-57, 62-67, 5:1-16, 7:41-53, figs 1-2); and presenting a game play using the combination of game software components (1:12-31, 2:13-17, 5:1-16, 6:63-64).

6. Claims 19-50 and 61-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells (6219836, 6488585, 6805634).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Wells ('986, '585 and '634) each incorporates by reference Pease ('102, '887), thus anticipation is shown at least by evidence cited above (sic). Wells '836 incorporates by

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reference Wells '585 and '634; Wells '634 incorporates by reference Wells '585; while, Wells '585 incorporates by reference Wells '836.

Wells '634 discloses a method and apparatus for downloading data teaching a gaming machine (ref 112) comprising: a first combination of game software components (abstract, 1:16-30, 4:49-6:65; 10:54-11:4, 13:20), said first combination comprising a plurality of game software components (sic); a master gaming controller designed or configured to present a game on the gaming machine using the first combination of game software components (1:16-41, microprocessor, ref 122, 1110); a network interface for communicating with a remote server and receiving game software components from said remote server and including a modem and including those instances that WAN is internet (fig 1A-5, ref 124, 322, 1114, 1122, as evidence only per MPEP 2131.01, see definition of WAN from wikipedia.com, sic, and see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); processor logic for combining game software components from said first combination with game software components received from said remote server to generate a second combination of game software components wherein said second combination is used to present a game on the gaming machine (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 6:63-65, 10:54-11:4, 13:20, figs 1A-5, i.e. repairing or update gaming terminal software when taken as a whole as interpreted by an artisan at a time prior to invention includes patching, repairing, modifying or adding new content to game software, pay table(s), or bonus game, to accommodate new games, regulatory changes, correct bugs or other programming errors or install new features), a memory storing a plurality of game software components wherein the memory is selected from the group consisting of an EPROM, a flash

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memory a ROM, a RAM, a CD, a DVD, a tape drive, a hard drive and a non-volatile memory (1:16-41, 3:48-67, 4:8-21, 59-61, 5:24-27, 7:16-20, figs 1A-5, ref 1112, 1116), wherein at least one of the plurality of game software components stored in said memory is used to generate the second combination game software components (1:16-41, 6:63-65, 10:54-11:4, figs. 1A-5, implicit game program(s) and peripherals make up components to provide game at game machine whereby to replace or supplement or repairing the gaming terminal software when taken as a whole as interpreted by an artisan at a time prior to invention includes updating game or gaming software/components to accommodate new games, regulatory changes, correct bugs or other programming errors or install new features, sic), a memory storing game software version information for a plurality of game software components (1:16-41, 6:63-65, 8:36-67, 12:3-16, figs 1A-5, implicit), wherein the remote server is a gaming terminal data repository (figs. 1A-5, ref 114, 116, 466, 468, 484, 488, 1108), a firewall (ref 452), wherein the game software components are selected from the group consisting of game system components, game paytables, game bonusing, game progressives, game graphics, game sounds, game jurisdiction information, game networking components (1:16-41, 1:61-2:17, 3:23-26, 30-33, 48-67, 4:49-6:65, 7:16-20, 8:7-10, 10:49-11:4, 12:3-28, 13:20, figs. 1A-5, implicit for gaming machine providing game(s) to play), wherein the network interface is a wireless network interface or a wired network interface (4:49-5:65, 6:14-65, 12:52-64), wherein the network interface is configured to allow connection of the gaming machine to an internet network or an intranet network where WAN is internet or intranet or where LAN is an intranet (1:16-41, 3:23-26, 30-33, 48-67, 4:49-5:65, 6:14-65, 12:52-64; implicit since WAN includes internet or intranet; while, LAN includes intranet, sic), wherein the intranet network is selected from the group consisting of a cashless system network, a

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progressive game network, an accounting network and a bonus game network (1:16-41, 3:23-26, 30-33, 48-67, 4:8-21, 4:49-6:65, 8:7-10, 10:54-11:4, figs. 1A-5), wherein the game is a video bingo game, a video lottery game, a video black jack game, a video slot game, a mechanical slot game, a video poker game, a video keno game, a video pachinko game, a video game of chance and a video card game (1:16-41, 13:20), also, in a remote server (fig. 1A-5, ref 114, 116, 466, 468, 484, 488, 1108), a method of modifying game play on a plurality of gaming machines (abstract, 1:16-41, 1:61-2:17, 3:23-26, 30-33, 48-67, 4:8-21, 4:49-6:65, 10:54-11:4, 13:20, fig 1A-5), the method comprising: determining that a configuration update has been triggered (1:16-41, 1:61-2:17, 2:55-57, 3:23-26, 30-33, 3:48-67, 4:8-20, 4:49-6:65, 7:16-53, 10:54-11:4, 13:20, figs 1A-5); establishing communications with the gaming machine (step 206); identifying one or more game software components for the configuration update on the gaming machine (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:49-6:65, 10:54-11:4, 11:30-12:28, 13:20, figs 1A-5); bundling the game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:49-6:65, 9:25-65, 10:54-11:4, 13:20, figs 1A-5 and discussion transmitting or downloading information or data in block fashion that is bundling of the data/information to be downloaded, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); and sending the game software components to the gaming machine wherein said game software components are used to present a game on the gaming machine (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 9:25-11:4, 11:30-12:16, 13:20, figs 1A-5); further comprising prior to sending the game software components, contacting a local ISP and sending the game software components via the local ISP (abstract, 1:16-41, 1:48-67, 3:23-

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26, 30-33, 48-67, 4:8-21, 4:59-6:65, 10:54-12:28, 13:20, figs 1A-5, implicit where WAN includes internet, noteworthy is customer order over network that further suggests internet), looking up an IP address of said one or more gaming machines (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 10:54-12:28, 13:20, figs 1A-5, implicit use of TCP/IP protocol and address of game machine for identification for communication where WAN is internet), encapsulating said game software components in multiple information packets (refer to data blocks and bundling above), encrypting said game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:12-12:28, 13:20, figs 1A-5), generating instructions for configuring the game software components and sending said instructions with said game software components (12:3-16, information file is instruction, implicit, program includes remarks as instructions in readme file, as evidence only under MPEP 2131.01 see documentation section in Internet Basics: 'How to download files' or, see Marron 5359730, abstract; programs typically include such remarks/instruction for guidance of use or of changes in update/patch notes that is hornbook engineering for programming a change/update as to be implicitly included), requesting game software component version information from the gaming machines and receiving the game software component version information from the gaming machine (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5), receiving game transaction information from the gaming machines and storing said game transaction information (5:6-14, 8:7-10), storing said game transaction information according to one or more game data categories wherein the game data categories are selected from the group consisting of game version data, game data, gaming terminal data, player data, route data and venue data (implicit, requirement for tracking credit or game activity

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according to credit or game type, basic accounting practice), prior to storing said game transaction information, determining access privileges for said game transaction information (implicit as required for credit tracking that entails setting access rights, as evidence only see Pease 5326104 at 18:4-6, 58-63, 19:32-45, 21:15-22:3, 25:29-33, 28:13-31:43), prior to storing said game transaction information, performing one or more operations on said game transaction information (5:6-14, 8:7-10, implicit, as per requirement for tracking credit or game play activity so as to associate credit with game played and sum new value with prior value as basic accounting), determining a data storage partition from among a plurality of data storage partitions for storing said gaming transaction information wherein the plurality of data storage partitions correspond to a plurality of gaming entities where the plurality of gaming entities is players such as for player tracking for compensation in a loyalty program (5:6-14, 8:7-10, as evidence only under MPEP 2131.01 regarding partitioning accounting data for player tracking in a loyalty program see either Acres 5655961 or Boushy 5761647), checking a list of update triggers selected from a group consisting of an update time, an update day, an update week, a game event, a game performance event and a player input (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5), further in a gaming machine (13:20, ref 112, 1102), a method of updating game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:59-6:65, 10:54-12:28, fig 1A-5), the method comprising: establishing communications with a remote server (step 206); receiving one or more game software components from said remote server (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5); unbundling said one or more game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-

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9:10, 10:54-12:28, 13:20, figs 1A-5 and discussion throughout regarding transmitting data in block fashion that data block is unbundled at receiving gaming machine, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); generating a combination of game software components wherein said combination of game software components comprising a plurality of game software components including the one or more game software components received from said remote server (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5); and presenting a game play using the combination of game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5).

Wells '836 incorporates by reference Wells '634 and Pease patents and thus anticipates claimed invention at least based on evidence above (sic). Further, Wells '836 discloses a method and apparatus for downloading data teaching a gaming machine (ref 112, 486) comprising: a first combination of game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16), said first combination comprising a plurality of game software components (sic); a master gaming controller designed or configured to present a game on the gaming machine using the first combination of game software components (1:18-43, microprocessor, ref 122, 128, 1110); a network interface for communicating with a remote server and receiving game software components from said remote server and including a modem at least due to computer/communication boards include a modem for remote communication (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, fig 1A-4, ref 124); processor logic for combining game software components from said first combination with game

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software components received from said remote server to generate a second combination of game software components wherein said second combination is used to present a game on the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16), a memory storing a plurality of game software components wherein the memory is selected from the group consisting of an EPROM, a flash memory a ROM, a RAM, a CD, a DVD, a tape drive, a hard drive and a non-volatile memory (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 8:50-9:16, figs 1A-4), wherein at least one of the plurality of game software components stored in said memory is used to generate the second combination game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, implicit game program(s) and peripherals make up components to provide game at game machine whereby to replace or supplement the gaming terminal software when taken as a whole as interpreted by an artisan at a time prior to invention includes updating game or gaming software/components to accommodate new games, regulatory changes, bonus game, correct bugs or other programming errors or install new features, sic), a memory storing game software version information for a plurality of game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, implicit), wherein the remote server is a gaming terminal data repository (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), a firewall (figs 1A-4, implicit where network includes internet for remote customer orders, as evidence only, see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'), wherein the game software components are selected from the group consisting of game system components, game paytables, game bonusing, game progressives, game graphics, game sounds, game jurisdiction information, game

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networking components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4, implicit for gaming machine providing game(s) to play), wherein the network interface is a wireless network interface or a wired network interface (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), wherein the network interface is configured to allow connection of the gaming machine to an internet network or an intranet network (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4; implicit since network for remote customer order includes internet or intranet, sic), wherein the intranet network is selected from the group consisting of a cashless system network, a progressive game network, an accounting network and a bonus game network (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), wherein the game is a video bingo game, a video lottery game, a video black jack game, a video slot game, a mechanical slot game, a video poker game, a video keno game, a video pachinko game, a video game of chance and a video card game (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), also, in a remote server (fig. 1A-4, ref 466, 468, 484, 488), a method of modifying game play on a plurality of gaming machines (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), the method comprising: determining that a configuration update has been triggered (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4); establishing communications with the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4); identifying one or more game software components for the configuration update on the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4); bundling the game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24,

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6:39-7:5, 7:16-35, 8:50-9:16, figs. 1A-4 where discussion of downloading information or data in block fashion is bundling of the data/information to be downloaded, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'), and sending the game software components to the gaming machine wherein said game software components are used to present a game on the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4); further comprising prior to sending the game software components, contacting a local ISP and sending the game software components via the local ISP (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4, implicit where network includes internet, noteworthy is remote customer order over network that further suggests internet), looking up an IP address of said one or more gaming machines (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4, implicit use of TCP/IP protocol and address of game machine for identification in communication over network), encapsulating said game software components in multiple information packets (refer to data blocks and bundling above), encrypting said game software components (implicit for communicating to an existing machine over network for security, abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), generating instructions for configuring the game software components and sending said instructions with said game software components (8:50-9:16, descriptor file is instruction, implicit, program includes remarks as instructions in readme file, as evidence only under MPEP 2131.01 see documentation section in Internet Basics: 'How to download files' or, see Marron 5359730, abstract; programs typically include such remarks/instruction for guidance of use or of changes in update/patch notes that is

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hornbook engineering for programming a change/update as to be implicitly included), requesting game software component version information from the gaming machines and receiving the game software component version information from the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4), receiving game transaction information from the gaming machines and storing said game transaction information (4:21-27), storing said game transaction information according to one or more game data categories wherein the game data categories are selected from the group consisting of game version data, game data, gaming terminal data, player data, route data and venue data (implicit, requirement for tracking game or credit activity according to credit or game type, basic accounting practice), prior to storing said game transaction information, determining access privileges for said game transaction information (implicit as required for credit tracking that entails setting access rights, as evidence only see Pease 5326104 at 18:4-6, 58-63, 19:32-45, 21:15-22:3, 25:29-33, 28:13-31:43), prior to storing said game transaction information, performing one or more operations on said game transaction information (4:21-27, implicit, as per requirement for tracking credit or game play activity so as to associate credit with game played and sum new value with prior value as basic accounting), determining a data storage partition from among a plurality of data storage partitions for storing said gaming transaction information wherein the plurality of data storage partitions correspond to a plurality of gaming entities where the plurality of gaming entities is players such as for player tracking for compensation in a loyalty program (4:21-27, as evidence only under MPEP 2131.01 regarding partitioning accounting data for player tracking in a loyalty program see either Acres 5655961 or Boushy 5761647), checking a list of update triggers selected from a group consisting of an

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update time, an update day, an update week, a game event, a game performance event and a player input (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), further in a gaming machine (ref 112), a method of updating game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), the method comprising: establishing communications with a remote server (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4); receiving one or more game software components from said remote server (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4); unbundling said one or more game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4 and discussion throughout regarding transmitting data in block fashion that data block is unbundled at receiving gaming machine, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'), generating a combination of game software components wherein said combination of game software components comprising a plurality of game software components including the one or more game software components received from said remote server (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4); and presenting a game play using the combination of game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4).

Wells '585 incorporates by reference Wells '836 and Pease patents and thus anticipates claimed invention at least based on evidence above (sic).

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 23, 38-39, and 62 are rejected under 35 U.S.C. 102 (b) or (e), as applicable over Pease ('102 or '887) or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Pease ('102 or '887) in view of either Alderson (5019963) or Fawcett (5845077) or Halliwell (5473772). Pease ('187 or '887) discloses a download method and apparatus teaching claimed features/steps (supra) including a memory storing game software component version information for a plurality of game software components, requesting game software game component version information from the gaming machines, receiving game software component version information from the gaming machine, and sending the game software component information to remote server machines in the instance that Pease provides configuration control and remote maintenance determination (abstract, 1:12-41, 2:13-17, 2:30-3:7, as evidence under MPEP 2131.01 see Alderson abstract; or Fawcett abstract, or Halliwell abstract). In the alternative, where Pease

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(‘187 or ‘887) lacks storing game software component version information (clm 23), requesting game software game component version information from the gaming machines (clm 38), receiving game software component version information from the gaming machine (clm 39), and sending the game software component information to remote server (clm 62), Alderson (abstract), Fawcett (abstract), and Halliwell (abstract) each disclose a server in network communication with a computer to update software based on a check by server from version information of an application is received by server as sent from computer that the version of the application requires updating that teaches/suggests providing version information of an application to a remote server to check against a listing to determine whether a newer version exists for remote file maintenance based on identifying an out of date version. Pease teaches the remote update of game software or game component software (sic) Thus, it would have been obvious to an artisan at a time prior to the invention to apply the technique of storing game software component version information, requesting game software game component version information from the gaming machines, receiving game software component version information from the gaming machine, and sending the game software component information to remote server as taught by either Alderson or Fawcett or Halliwell to improve the gaming machine, or method of Pease for the predictable result of providing automated configuration control.

10. Claim 25 is rejected under 35 U.S.C. 102 (b) or (e), over Pease ('102 or '887, respectively) or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Pease ('102 or '887) in view of either O'Conner (6178510) or Johnson (5923885). Pease ('102 or '887) discloses claimed invention and includes firewall at least where WAN is internet (as evidence see either O'Conner at 7:8-13 or Johnson at 5:63-6:5). Alternatively, where Pease lacks firewall,

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O'Conner (abstract, 7:8-13) and Johnson (abstract, 5:63-6:5) each disclose network communication between remote server and a computer for software distribution using a firewall for added security of network resources. Thus, it would have been obvious to an artisan at a time prior to the invention to apply the technique of a firewall as taught by either O'Conner or Johnson to improve the gaming machine and method of Pease for the predictable result of improved security of network.

11. Claims 47-48 are rejected under 35 U.S.C. 102 (b) or (e), over Pease ('102 or '887, respectively) or, in the alternative, under 35 U.S.C. 103 (a) as being obvious over Pease ('102 or '887) in view of either Heath (6006034). Pease disclose steps/features of claimed invention including checking a list of update triggers selected from group consisting of an updated time, an update day, an update week, a game event, a game performance event and a player input (1:12-41, 2:13-17, 2:30-3:7, 4:32-5:16, 7:44-62). Alternatively where Pease lacks checking a list of update triggers selected from group consisting of an updated time, an update day, an update week, a game event, a game performance event and a player input, Heath discloses a system and method for automatic application version upgrading and maintenance based on triggered update check teaching checking a list of update triggers selected from group consisting of an updated time, an update day, an update week, a game event, a game performance event and a player input (abstract, 1:34-3:38). Thus, it would have been obvious to an artisan at a time prior to the invention to apply the technique of checking a list of update triggers selected from group consisting of an updated time, an update day, an update week, a game event, a game performance event and a player input as taught by Heath to improve the gaming machine and method of Pease for the predictable result of scheduled automated upgrading of an application.

***Response to Arguments***

12. Applicant's arguments with respect to claims 19-50 and 61-66 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chang discloses a method and apparatus for securely downloading software while Kirouc discloses a method and system for updating software from a remote location.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Sager/  
Primary Examiner, Art Unit 3714

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